

**TRANSCRIPT  
MAY 16, 2006**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

George Leventhal, President	Marilyn J. Praisner, Vice President
Phil Andrews	Howard Denis
Nancy Floreen	Michael Knapp
Thomas Perez	Steven A. Silverman
	Michael Subin



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1 Council President Leventhal,  
2 We will rise for a moment of silence. Last moment of silence you will hear for the rest of  
3 the day. Thank you very much. Ms. Lauer, are there Agenda or Calendar changes?

4  
5 [LAUGHTER]

6  
7 Councilmember Silverman,  
8 I don't know, are there?

9  
10 Linda Lauer,  
11 A few!

12  
13 Councilmember Silverman,  
14 We've blocked a half an hour for Ms. Lauer to explain the Agenda and Calendar  
15 changes.

16  
17 Linda Lauer,  
18 We are announcing a public hearing on June 20th at 1:30 on the resolution to amend  
19 the County's energy policy regarding clean and renewable energy, and energy  
20 efficiency. Consent Calendar, just one clarification on Item "B," introduction of the  
21 special appropriation for Walter Johnson High School modernization. The source of  
22 funds is Current Revenue rather than G.O. Bonds. District Council session, just wanted,  
23 the title has changed on the Zoning Text Amendment and on the Subdivision Regulation  
24 Amendment, we've added the word "efficiency." "Energy efficiency and environmental  
25 design." We have two additional both sponsors on those, Councilmembers Praisner and  
26 Silverman, and those will go to hearing on June 20th. The work session on the budget  
27 this morning, we've added three items deferred from yesterday which are the Merit  
28 System Protection Board, Office of Legislative Oversight, and the Council office.  
29 Agenda Item Number 7, Community Grants is deferred to tomorrow, is the first item at  
30 9:30. And that's it on changes. I do have the petitions. We've received a number of  
31 petitions. Support for a grant request for \$50,000 for the Most Valuable Kids Program.  
32 Support for funding for Food and Friends Program. Petition opposing additional  
33 restrictions on builders that will make it more difficult for builders to continue working in  
34 Montgomery County. Support for CASA's funding request for '07. Supports' Operating  
35 Budget. Support for Coalition for the Homeless' Initiative on Partnership for Permanent  
36 Housing and Breaking Down Barriers. Last one is support for funding for Top Banana  
37 home delivered groceries.

38  
39 Council President Leventhal,  
40 Okay, thank you. Do we have minutes for approval?

41  
42 County Clerk,  
43 Minutes of May 2nd for approval.

44  
45 Council President Leventhal,



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1 Move approval.

2  
3 Councilmember Knapp,  
4 Second.

5  
6 Council President Leventhal,  
7 Ms. Praisner moved and Mr. Knapp has seconded the approval of the minutes of May  
8 2nd.. Those in favor will signify by raising their hands. You're not in favor of the minutes  
9 Mr. Silverman?

10  
11 Councilmember Silverman,  
12 Yes, I am, of course I am.

13  
14 Council President Leventhal,  
15 It is unanimous among those present.

16  
17 Councilmember Silverman,  
18 There wasn't money involved. So I wasn't sure if I had to raise my hand.

19  
20 Council President Leventhal,  
21 We now take up the Consent Calendar.

22  
23 Councilmember Andrews,  
24 Move approval.

25  
26 Councilmember Praisner,  
27 Second.

28  
29 Council President Leventhal,  
30 Mr. Andrews moved and Ms. Praisner has seconded approval of the minutes -- the  
31 Consent Calendar. I knew what I meant.

32  
33 Councilmember Praisner,  
34 We knew what you meant, too.

35  
36 Council President Leventhal,  
37 And Ms. Praisner wanted to make a comment.

38  
39 Councilmember Praisner,  
40 No, actually it was on another item. I missed two votes yesterday on Arts and  
41 Humanities and I'd like to be recorded in favor. Okay, those in favor of approval of the  
42 Consent Calendar will signify by raising their hands. It is unanimous among those  
43 present.

44  
45 [LAUGHTER]



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1  
2 Council President Leventhal,  
3 Good to have you here Dr. Orlin, Ms. Richards. We now have a public hearing on  
4 Expedited Bill 18-06. Do I have a script on this?

5  
6 Unidentified Speaker,  
7 [INAUDIBLE]

8  
9 Council President Leventhal,  
10 Do we have a witness list? I got it, I found it, I found it, thank you. This is a public  
11 hearing on Expedited Bill 18-06 Urban Districts Use of Funds amendments, which  
12 would allow the Council to transfer and use Urban District funds for a community or  
13 special event located outside of an Urban District if no appropriate site is available in the  
14 Urban Districts, and generally amend the law related to Urban Districts. Action is  
15 tentatively scheduled for May 17, 2006. The record will close following the hearing. We  
16 have four witnesses. Paul Folkers, representing the County Executive; Abraham  
17 Silverman, representing the Wheaton Urban District Advisory Committee ; Tom Collins,  
18 representing the Silver Spring Urban District Advisory Committee; and Ron Resh,  
19 representing the Greater Bethesda-Chevy Chase Chamber of Commerce. Mr. Folkers,  
20 please press the button in front of your microphone, introduce yourself, and begin.

21  
22 Paul Folkers,  
23 Good morning. Paul Folkers County Executive's office, Assistant Chief Administrative  
24 Officer. Appreciate your time this morning. The Executive Branch is both appreciative  
25 and supportive of the Council's efforts to give greater flexibility to the County's three  
26 Urban Districts as they carry out their mission to providing enhanced services to  
27 businesses and residents. We respectfully submit that the Council has already given  
28 each Urban District the ability to work outside its boundaries through the Gateway  
29 Legislation, Bill 17-99 enacted on October 5, 1999, which states in section 68A-3E "The  
30 Department may provide a service or if facility outside the boundaries of the Urban  
31 District if the facility or service will primarily benefit businesses or residents in the Urban  
32 District. While the Gateway concept has only been used on a small scale, we believe it  
33 will enable a special event to be held at a Gateway. The Executive also believes that if  
34 any work or special event is to be held beyond recognized Gateway areas funding for  
35 that work or event should come from the General Fund or be placed in the appropriate  
36 regional center's budget. The Regional Center Director could then contract with any  
37 Urban District or with an outside vendor. Appreciate your consideration of this  
38 testimony.

39  
40 Council President Leventhal,  
41 Thank you very much. Mr. Silverman.

42  
43 Councilmember Silverman,  
44 Yes?



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1 Council President Leventhal,  
2 That would be your cousin, Abraham.

3  
4 Councilmember Silverman,  
5 No relation.

6  
7 Abraham Silverman,  
8 That's all right, I expect your vote anyway. Good morning my name is Abraham  
9 Silverman, I'm a resident of Wheaton, and also a member of the Wheaton Urban District  
10 Advisory Committee. And I'm here to testify on the bill this morning, WUDAC supports  
11 the intent of this bill. We think it's an excellent idea. Several times we've had projects  
12 where we would like to spend Urban District funds slightly outside the Urban District, but  
13 we've not been able to do so easily. This bill makes clear we can do so if the money  
14 spent will benefit the Urban District. However, we are very much concerned that there's  
15 too much discretion in the bill as it's currently written. There has to be a nexus between  
16 the Urban District and the place where the money is going to be spent. We think it  
17 needs to be a geographic nexus. For instance the Urban District pulls residents from up  
18 to two miles outside the Urban District, and we think any Urban District funds should be  
19 restricted to being spent within that two-mile radius. Again, it's ensuring that the money  
20 collected through the Urban District taxes are spent in a way that's going to directly  
21 benefit the Urban District. Now of course this all came about because of the fireworks,  
22 and we're all very sorry that we can't have the fireworks at a Wheaton centric location  
23 just because of the physical constraints. We are very much appreciative that you have  
24 put that money back into our marketing budget for Wheaton, at least that's the plan. We  
25 are supportive of that, because we have a lot of exciting things we would like to do and  
26 bring people into Wheaton through our Arts and Entertainment program and also  
27 through our marketing. So, that was our opinion of the bill, thank you.

28  
29 Council President Leventhal,  
30 Thank you very much. Mr. Collins.

31  
32 Tom Collins,  
33 Good morning, for the record my name is Tom Collins, and I am the Chair of the Silver  
34 Spring Urban District Advisory Committee. The Committee has reviewed the proposed  
35 legislation that would allow the use of Urban District funds outside the Urban District,  
36 and we have some concerns. It's our feeling the County Code already gives the Urban  
37 District the flexibility to use funds for Gateway improvement and services and services.  
38 The Silver Springs Urban District uses this provision in the County Code to maintain the  
39 state rights-of-way on Georgia Avenue and 16th Street, north of downtown Silver  
40 Spring. These streets are the primary entrance into downtown Silver Spring from the  
41 Beltway, it is important this present a good impression as people come into downtown.  
42 We feel strongly Urban District funds that come from property taxes in the Urban District  
43 and PLD funds that come from property taxes in the PLD and from users of the PLD  
44 should stay in those districts, or be used under the Gateway provisions in the Urban  
45 District law. Community events and improvements outside the Urban District should be



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1 funded from some other source of fund. We appreciate that you want to support  
2 community events. The Silver Spring Urban District works hard to put on high quality  
3 events that offer culture and entertainment and bring people into downtown Silver  
4 Spring. We thank you for your continued support for these activities, they are critical to  
5 the image that Silver Spring is a fun and attractive place to live, work, and play. The  
6 Silver Spring Urban District Advisory Committee respectfully asks that you not adopt  
7 Expedited Bill 18-06 Urban Districts Use of Funds. Thank you for your consideration.

8  
9 Council President Leventhal,  
10 Mr. Resh.

11  
12 Ron Resh,  
13 Mr. President, members of the Council, I'm Ron Resh representing the Greater  
14 Bethesda-Chevy Chase Chamber of Commerce. Our organization strongly opposes Bill  
15 18-06 in its present form. For many years our Chamber has been adamant in our  
16 position that Urban District funds should be used only within the Urban District in which  
17 they are generated. We view this as a tax equity issue. Special taxes and fees imposed  
18 on businesses, property owners, and others within a particular Urban District should not  
19 be made available for the effective benefit of other areas of the County for purposes that  
20 should more appropriately be financed by general funds. We are certainly  
21 understanding of the issue that gave rise to Bill 18-06. The difficulty encountered by a  
22 particular Urban District in attempting to continue a time-honored holiday program is  
23 one thing, but the application of Bill 18-06 to all Urban Districts in the County is another  
24 consideration. Bill 18-06 would establish a completely new precedent for using Urban  
25 District funds outside the district in which they are identified. The bill would allow this to  
26 be done solely at the discretion of the County Council. This could easily lead a future  
27 Council to resort to the use of funds from a financially healthy Urban District for General  
28 Funds purposes in times of fiscal challenges. We stress that we are outright opposed to  
29 Bill 18-06, and we urge its defeat. However; if the Council is intent on proceeding with  
30 this issue, we believe affirmative input from the Urban District in question should be  
31 required. In this regard we suggest that Bill 18-06, if you do proceed, should be  
32 amended as follows. At the end of line 14 of the bill insert "at the request of that Urban  
33 District." Thank you for this opportunity to comment.

34  
35 Council President Leventhal,  
36 Okay, "at the request of," that's interesting and a useful suggestion. Ms. Praisner.

37  
38 Councilmember Praisner,  
39 I want to thank you all. You've just proven no good deed goes unpunished, and you've  
40 also at the same time made some very interesting comments. Because the County  
41 Executive had said we don't need it because we can do it already. And you all have  
42 said, no you can't do it, and you don't want us to be able to do it. So, thank you for your  
43 very informative and instructive testimony. I think we will have to sit down, Sonya, and  
44 see how we modify or deal with the legislation. But, I would recommend that you all get  
45 together and decide in the future whether we have this authority or we don't. And how



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1 we should proceed when we want to try and respond positively to help an Urban  
2 District.

3  
4 Council President Leventhal,

5 Well, let me just say I was present during the initial conversation in the MFP and T&E  
6 Committees that gave rise to this question. It all arose from the Wheaton Plaza,  
7 whatever it's called, Shopping Town, Westfield, now has a flammable roof and can't  
8 have fireworks. There had been a long tradition of doing fireworks Wheaton, and  
9 ultimately we didn't succeed in locating a location outside of Wheaton for this year. We  
10 are dealing with a statutory framework that's sort of a solution in search of a problem  
11 since we're not actually going to do the fireworks in Wheaton or near Wheaton anyhow.  
12 I would like to get a sense from the colleagues as to whether we ought to just pull this  
13 bill from tomorrow's Agenda. Seems like it needs more work. It's an Expedited Bill that  
14 creates the opportunity to address an emergency that's not an emergency.

15  
16 Councilmember Praisner,

17 It's not necessary at this point given the fact we are spending general funds. The issue  
18 we do have to look at if the County Executive says we have the authority already and  
19 others say no, you don't, and don't give it to yourself, we have to seek clarification about  
20 Urban District funds. I agree that we wanted to help an Urban District and help an area,  
21 and we were told when we met, the joint Committees, that there was no way to do this  
22 because we couldn't use urban funds. I must say there was also confusion in the budget  
23 over how much money was left, how much was going to Germantown, and whose funds  
24 were going to Germantown the way it was presented in the budget. I have no problem  
25 with not dealing with the legislation, but I think we will go back in the Committee and  
26 seek clarification of what authority already exists, since we were told initially there  
27 wasn't any.

28  
29 Council President Leventhal,

30 Mr. Collins. Mr. Resh made a suggestion, if we move ahead it should state "at the  
31 request of the Urban District." How would the Silver Spring Urban District Advisory  
32 Committee respond to that suggestion?

33  
34 Tom Collins,

35 Well again, our position is that you already have the authority to do this through the  
36 Gateway provisions. Another option potentially without having to do any legislation is  
37 use general fund money, that is in the Urban District budget and transfer it to the Mid-  
38 county Regional Center Budget and use it for funding this particular event.

39  
40 Council President Leventhal,

41 The other question I have is really may be for Mr. Silverman or Ms. Cantor. What has  
42 been the reaction in the Wheaton community to the fact there aren't going to be  
43 fireworks this year?

44  
45 Unidentified Speaker,



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1 [INAUDIBLE]

2  
3 Councilmember Praisner,  
4 They don't know yet.

5  
6 Council President Leventhal,  
7 They don't know.

8  
9 Councilmember Praisner,  
10 July 3rd ask them.

11  
12 Tom Collins,  
13 Mr. Leventhal? I'm sorry, just speaking again on behalf of those in Silver Spring who I've  
14 talked to, we're not very pleased to hear the news, because for Silver Spring people  
15 Wheaton is the closest place to go to see fireworks.

16  
17 Council President Leventhal,  
18 What about Takoma Park?

19  
20 Tom Collins,  
21 Well it depends on where you live in Silver Spring, we have a lot of zip codes.

22  
23 Natalie Cantor,  
24 Just briefly, people were devastated. Very unhappy that there is not fireworks in the  
25 downtown. After all it's a 12-year long tradition now. So people were very unhappy.

26  
27 Council President Leventhal,  
28 Does it help though that we made a good faith effort to find alternative locations?

29  
30 Natalie Cantor,  
31 Yes.

32  
33 Council President Leventhal,  
34 I must say I'm not sensing the great urgency of passing this bill tomorrow. Mr. Knapp?

35  
36 Councilmember Knapp,  
37 So, did we find an alternative?

38  
39 Council President Leventhal,  
40 No, not in Wheaton.

41  
42 Councilmember Knapp,  
43 The alternative location is just for the County's fireworks is...

44  
45 Councilmember Praisner,





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1 No. There won't be fireworks at all.

2  
3 Councilmember Silverman,  
4 Rockville.

5  
6 Council President Leventhal,  
7 ...and in Germantown and municipal celebrations in Rockville and Takoma Park, I think,  
8 and there may be others.

9  
10 Councilmember Knapp,  
11 I guess I had missed that had in the course of our discussion.

12  
13 Unidentified Speaker,  
14 [INAUDIBLE]

15  
16 Council President Leventhal,  
17 Municipal, the County doesn't put that on, the municipal governments in Rockville and  
18 Takoma Park...

19  
20 Councilmember Knapp,  
21 So the County's -- hold on, hold on. Just a second, I still have the floor. So the County is  
22 going to have two County fireworks displays on the 4th of July?

23  
24 Council President Leventhal,  
25 I would not be the correct person to ask.

26  
27 Councilmember Knapp,  
28 Are they both on the 4th of July?

29  
30 Council President Leventhal,  
31 Mr. Folkers, can you answer that question?

32  
33 Paul Folkers,  
34 At this point, yes. I mean we've got, Germantown has been nailed down. We are  
35 working on Olney Manor Park, and it appears that we're going to be able to do it there  
36 as well. We're nailing down the details.

37  
38 Councilmember Knapp,  
39 Are they on the same day or is one going to be on the 4th of July and one...

40  
41 Paul Folkers,  
42 No, I believe Germantown is on July 1st, and Olney Manor Park would be on July 4th.

43  
44 Councilmember Knapp,  
45 All right, I'm going to have to have follow-up.



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1  
2 Council President Leventhal,  
3 Why are we having a 4th of July fireworks on July 1st?

4  
5 Paul Folkers,  
6 There was...

7  
8 [LAUGHTER].

9  
10 Councilmember Praisner,  
11 That's when the Baltimore Symphony...

12  
13 Paul Folkers,  
14 I believe...

15  
16 Councilmember Knapp,  
17 Go ahead, Paul, I want to hear this.

18  
19 Paul Folkers,  
20 Natalie Cantor may have further insights on this, but the Recreation Department worked  
21 on it, and I believe that the dates were done to avoid conflict or perceived competition  
22 with some of the other fireworks displays that take place. Gaithersburg also does a  
23 fireworks display at the fairgrounds on July 4th.

24  
25 Councilmember Knapp,  
26 Has the fireworks in Wheaton been -- the County's firework display been on the 4th of  
27 July?

28  
29 Natalie Cantor,  
30 It has always been on the 4th of July.

31  
32 Councilmember Knapp,  
33 And so the movement of the County's fireworks display to the SoccerPlex, would that  
34 not make sense to have it on the same day that the County's fireworks display has  
35 always been?

36  
37 Council President Leventhal,  
38 On the day when people go out looking for a fireworks display. People may learn on  
39 July 2nd that there was this fabulous show in their neighborhood the night before.

40  
41 Councilmember Knapp,  
42 I guess I'm troubled, as I've kind of missed this because it took place in the T&E and  
43 MFP Committees, or PHED Committee...

44  
45 Council President Leventhal,



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1 We did not learn until just now that the 4th of July happens on the 1st of July.

2  
3 Councilmember Knapp,

4 Because I'm very sensitive to the fact that this is pulled out of Wheaton, and I think to  
5 make sure we provide resources or do something to make sure that Wheaton, that we  
6 do something for marketing makes a lot of sense. One of the parts that Germantown  
7 was excited about was that this was the County's fireworks display and so it was going  
8 to potentially present an opportunity for some economic benefit for Germantown. If now.  
9 in fact we are creating competitive activities -- five years ago we pulled the fireworks out  
10 of Germantown, which have been on the 4th of July, which have been County funded  
11 and they haven't been back. I'm struggling with what it is that we are trying to  
12 accomplish.

13  
14 Natalie Cantor,

15 I can't answer about Germantown, because I have no expertise there. But I can tell you  
16 in the past when the fireworks were in Germantown, they were not held on the 4th of  
17 July. They were I believe the 2nd of July.

18  
19 Councilmember Knapp,  
20 Well...

21  
22 Council President Leventhal,  
23 That's un-American.

24  
25 Councilmember Knapp,  
26 I guess I'm struggling because the way it was presented was that this was supposed to  
27 be...

28  
29 Council President Leventhal,  
30 We should have fireworks on the 4th of July.

31  
32 Councilmember Knapp,  
33 Right, that this was the County's 4th of July fireworks display...

34  
35 Council President Leventhal,  
36 How are people going to know?

37  
38 Councilmember Knapp,  
39 We have to do something.

40  
41 Council President Leventhal,  
42 This is America!

43  
44 Councilmember Knapp,  
45 There ought to be a law!



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1  
2 Council President Leventhal,  
3 If we can do free library parking, we can certainly be for fireworks on the 4th of July,  
4 come on! I think fireworks should be on the 4th of July. I'm going to -- this is an election  
5 year.

6  
7 [LAUGHTER].

8  
9 Council President Leventhal,  
10 Are you done Mr. Knapp, I'm sorry?

11  
12 Councilmember Knapp,  
13 I think so, I'm not sure.

14  
15 Council President Leventhal,  
16 Mr. Silverman, here we go.

17  
18 Councilmember Silverman,  
19 Thanks, this is actually a serious question. I don't want to, I appreciate, I'm sorry. I  
20 appreciate the hard work that went into everything. And I'm not even going to get into  
21 the debate about when the 4th of July is. Here's my threshold question. The  
22 municipalities of Rockville and Takoma Park have their fireworks at school facilities, so  
23 was there an inquiry made about Einstein or Wheaton, and what was the answer?

24  
25 Natalie Cantor,  
26 Yes, there was an inquiry made of both Einstein, Kennedy, Wheaton, and Blair, and the  
27 Fire Marshall nixed all of them.

28  
29 Councilmember Silverman,  
30 Because?

31  
32 Natalie Cantor,  
33 Because of the size required, the fallout area.

34  
35 Councilmember Silverman,  
36 The fallout area?

37  
38 Natalie Cantor,  
39 The fallout area, for every inch shell you need 100 feet of diameter.

40  
41 Council President Leventhal,  
42 Little pieces of tinsel that fall down that could burn you.

43  
44 Councilmember Silverman,  
45 You're saying -- does the Fire Marshall sign off on Rockville High School's fireworks...



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1  
2 Council President Leventhal,  
3 Or Takoma Park Middle School?

4  
5 Councilmember Silverman,  
6 ...or Takoma Park Middle School? I got to tell you these High School sites, I mean, the  
7 Rockville fireworks are at Richard Montgomery.

8  
9 Natalie Cantor,  
10 You'd have to ask the Fire Marshall.

11  
12 Councilmember Silverman,  
13 Yeah, I know that, but -- I'm sorry?

14  
15 Natalie Cantor,  
16 I don't have the answer to that. That's, you know, could be directed to the Fire  
17 Marshall...

18  
19 Council President Leventhal,  
20 Could we defer all this to a special task force or something and deal with the...?

21  
22 Councilmember Silverman,  
23 Ad hoc committee.

24  
25 Council President Leventhal,  
26 Wait, wait, wait, wait. Look, this is open Council session, but it's also May 16th. So, if,  
27 and we're out the first two weeks of June, and the 4th of July last I checked was on the  
28 4th of July.

29  
30 Councilmember Knapp,  
31 That's still being questioned.

32  
33 Council President Leventhal,  
34 It does seem...

35  
36 Councilmember Silverman,  
37 Can we bring the Fire Marshall back? We just did his budget. Can we bring him back to  
38 explain why he can't...

39  
40 Council President Leventhal,  
41 Let's do this, seriously, let us get, Mr. Folkers, from the County Executive a report on  
42 the status of fireworks in time for -- while we are still in session next week. And let us  
43 convey, if Mr. Knapp is amendable, the sense of the Council that the appropriate date  
44 for County sponsored 4th of July celebrations is the 4th of July, because otherwise  
45 people are going to be confused. And the idea that one 4th of July celebration competes



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1 with another celebration, on first blush... Let's have a dialog with the Executive branch  
2 about it, but my sense of that is most is, this is a County of a million people, it's 500  
3 square miles. Most folks are going to want to go to fireworks show on the 4th of July.  
4 They're not going to be disappointed if they see fireworks in Germantown, that they  
5 weren't able to see them in Olney on the same night. In my family we go to the fireworks  
6 on the 4th of July, that pretty much does it.

7  
8 Councilmember Knapp,  
9 I'm excited. I represent both communities.

10  
11 Council President Leventhal,  
12 Mr. Silverman.

13  
14 Councilmember Silverman,  
15 I'm sorry, can I also ask, Paul, will you inquire of the Fire Marshall why it is he rejected  
16 four High School sites and why they have always been in Richard Montgomery and  
17 Takoma? If the answer is he has no authority over those, I would be highly -- I would be  
18 very surprised if they have less of a standard for fireworks in Rockville and Takoma  
19 Park than they do in the rest of the County.

20  
21 Paul Folkers,  
22 I would be happy to do that.

23  
24 Council President Leventhal,  
25 So we will hear back from you then by -- what day are we back here on the budget,  
26 Thursday? Thursday the 25th. So we will add a 15-minute fireworks update to our  
27 Council's Agenda for our last day, Thursday the 25th.

28  
29 Paul Folkers,  
30 We will be happy to do that.

31  
32 Council President Leventhal,  
33 And you'll convey the suggestion that County sponsored firework celebrations should  
34 occur on Independence Day.

35  
36 Paul Folkers,  
37 Yes, I'll get with Recreation and...

38  
39 Council President Leventhal,  
40 Unless colleagues object to that.

41  
42 Paul Folkers,  
43 With recreation -- I'm sure there was some rationale, but I will get with recreation, but  
44 certainly convey that sense. as well. that the preference for the 4th.



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1 Council President Leventhal,  
2 Okay, very good. Well this was terrific. Thank you to our witnesses. This was really a  
3 good conversation. And we now are in District Council session. We have two pieces of  
4 legislation to introduce. They are sponsored by the Council President and co-sponsored  
5 by Councilmembers Praisner and Silverman. The first is Zoning Text Amendment 06-  
6 16, this is a necessary Zoning Text Amendment to conform with earlier legislation  
7 regarding green buildings. And we need a resolution to establish a public hearing on  
8 June 20th.

9  
10 Councilmember Praisner,  
11 So moved.

12  
13 Council President Leventhal,  
14 Ms. Praisner has moved and Mr. Silverman has seconded the resolution to establish a  
15 public hearing on June 20th. Those in favor will signify by raising their hands. Okay, it is  
16 unanimous. Also we have related Subdivision Regulation Amendment 06-01, necessary  
17 to conform to the earlier green buildings legislation. This is sponsored by Council  
18 President Leventhal and Councilmembers Praisner and Silverman. We need a  
19 resolution to establish public hearing on June 20th.

20  
21 Councilmember Praisner,  
22 So moved.

23  
24 Council President Leventhal,  
25 Ms. Praisner has moved and Mr. Silverman has seconded a public hearing on June  
26 20th. Those in favor will signify by raising their hands. It is unanimous among those  
27 present. We turn now to our work session on the FY '07 Operating Budget. We begin  
28 with the budget of the Merit System's Protection Board. Chairwoman Praisner will walk  
29 us through this item.

30  
31 Councilmember Praisner,  
32 As soon as I can find it. Yes, the Merit System Protection Board budget -- welcome -- is  
33 obviously a very modest budget. The Committee reviewed the Merit System Protection  
34 Board Budget and recommends approval as submitted. Total expenditures, \$143,990.  
35 We had some discussion with the Board about the fact that their public forum this year  
36 will be focused on the issue of grievance procedures, and we had asked for feedback. I  
37 normally would have turned this over to Mr. Denis, but Mr. Denis is not here -- I don't  
38 know if -- Oh, I'm sorry. Okay...and that basically is a very modest budget, obviously, for  
39 a very important function, which is the oversight of the Merit System for the County  
40 employees and protection of employees and job applicant rights guaranteed under the  
41 Merit System. [Essie] and Amanda, folks, if you'd like to introduce yourself or make any  
42 comments, fine, otherwise...

43  
44 Kathleen Taylor,



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1 I'm Kathleen Taylor, I'm the Executive Secretary of the Merit System Protection Board,  
2 and on behalf of the Board we thank you for your support.

3  
4 Councilmember Praisner,

5 I see no comments. So without exception, the Committee's recommendation will stand.  
6 Thank you very much. The next item is the Office of Legislative Oversight. I saw Karen.  
7 The Office of Legislative Oversight includes two functions, both the office function and  
8 the independent audit for the County in a nondepartmental account. The County under -  
9 - with Craig Howard's leadership manages the Committee, the office, excuse me.  
10 Manages the work of the audit process with our outside independent auditor. Craig does  
11 a super job of keeping us informed and managing that process so that it has a minimal  
12 impact. The Executive's recommended budget, \$1,117,540 includes some increase, but  
13 obviously major amounts associated with personnel costs. Karen, are there any  
14 comments you 'd like to make?

15  
16 Karen Orlansky,

17 Just that this is a continuation of our compliment including annualization of the two  
18 positions for the Base Budget Reviews that were launched this year. So we look forward  
19 to being fully staffed and moving ahead.

20  
21 Councilmember Praisner,

22 I'm looking for the paper, and I can't find it. Mr. Leventhal made reference yesterday to a  
23 request that I'm suggesting we add on the Reconciliation List, it would be two positions.  
24 A senior position and a research position as well to focus on Education budget review,  
25 and exclusively education, and I think the amount would be \$192,000 for those two  
26 positions, is that what it was?

27  
28 Council President Leventhal,  
29 We had costed that out.

30  
31 Councilmember Praisner,

32 I think that's what it is. I had the paper...

33  
34 Council President Leventhal,

35 If that's a motion I'd be happy to second that.

36  
37 Councilmember Praisner,

38 That is the motion. Unfortunately, I thought I had the document, but it has disappeared  
39 from yesterday.

40  
41 Council President Leventhal,

42 Let's say \$192,000, and we'll have time to work it out. Ms. Praisner moved, Council  
43 President seconded the addition of two positions, senior and a less senior position  
44 within OLO for the purpose of analyzing the MCPS budget. That motion is now before  
45 the Council. Mr. Subin.



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Councilmember Subin,

Well, not having had a heck of a lot of time to think about this, I'm struck by a number of things here. First of all, we have never, to date, not that we certainly can't, but we have not specified any positions for OLO to concentrate on anything, and clearly that's happening here. I think the real issue is an additional analyst to work on the budget. It's a Herculean task for one person and even more so for one person who has other budgets to look at. It is difficult to look at not only the incremental changes, but some of the other issues going on in the budget. I think OLO has done a magnificent job on both working with and coming up with recommendations on studies where we've asked them to go in and look at specifics in the school system. And the school system has been cooperative. I don't think MCPS has been adverse to folks coming in to do that. We have had two separate major private sector studies going in and taking a look, and we had a third that looked at the way that construction management bid out its projects, and how we could come up with a more effective system. This proposal, while giving OLO some additional help and the ability to do some extra studies, really doesn't get at the core problem, which is that the analytical issue of the budget itself, not studies. I would offer a substitute that would give one of these folks to OLO and add one to the actual Council staff to work with the senior analyst analyzing the budget. That's where we need the help. That's where we need a lot of help, because we have one person looking at that entire budget, and that just isn't an efficient way to do it.

Councilmember Praisner,

Mr. Subin, I have no problem with your amendment, one in OLO and one in the Council budget focused on education. I'd support and accept it as a friendly amendment to the motion.

Council President Leventhal,  
Okay.

Councilmember Subin,

I'll accept it as a friendly amendment, but I would just add to that that I hope that as we've done in the past that Ms. Orlansky would have some flexibility with her staffing.

Councilmember Praisner,

Well, the Council reviews the work plan of the office, and I suspect there have been a number of recommendations for study and for work and Base Budget reviews that include a myriad of issues. This, from a standpoint of the scheduling and the work, that's always been a negotiated discussion between the Council starting with the MFP Committee and Ms. Orlansky. So I don't see anything changing in that either.

Councilmember Subin,

If the spirit of your friendly amendment is that we could conduct business as always has done, but that it is the understanding that this would allow for additional studies going



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1 through the normal Council process to be done with the school system, I believe that  
2 that would be very helpful.

3  
4 Councilmember Praisner,  
5 I see no difference in what you're saying and what I'm saying.

6  
7 Councilmember Subin,  
8 Just need the clarification.

9  
10 Council President Leventhal,  
11 Ms. Floreen.

12  
13 Councilmember Floreen,  
14 Thank you Mr. President. This raises a question that I've had about our budget process.  
15 I'm just looking at the Agenda, the packets both for the Council and for OLO, and hadn't  
16 really anticipated this conversation today. We were going to have to redirect staff  
17 generally, to focus more on the budget. That's what we decided I thought last year, and  
18 then Clarksburg came along.

19  
20 Councilmember Praisner,  
21 No, we decided...

22  
23 Councilmember Floreen,  
24 Well, I don't remember.

25  
26 Councilmember Praisner,  
27 The Office of Legislative oversight would do some Base Budget reviews, and their work  
28 plan is reviewed and discussed with MFP after individual Councilmembers make  
29 nominations of projects. We identified some Base Budget reviews, and there were some  
30 projects which OLO had to slide a little. They're still on their work plan.

31  
32 Councilmember Floreen,  
33 Okay.

34  
35 Councilmember Praisner,  
36 We also added some analyst work to the Council's staff in specific areas. There's  
37 obviously an attorney position and a technology position. One of those has not been  
38 filled as yet. But -- and the assumption was that that would give staff more capacity to  
39 focus on a subject area but also have broader capacity and ability for us to get the kind  
40 of information. We focused on some Base Budget reviews and individual  
41 Councilmembers nominated items for Base Budget review, and we went through that  
42 process as well.

43  
44 Councilmember Floreen,  
45 Well, if, this is our first year doing that, right?

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1  
2 Councilmember Praisner,  
3 Right.

4  
5 Councilmember Floreen,  
6 I have to say I'm not sure that I think it's been -- I know OLO is going to, is doing this in  
7 different formats. That's what you told us when we talked about the Park Police  
8 presentation. I am not sure that we've made the budget process any better at least yet. I  
9 think it's still relatively incomprehensible to the public and a challenge to follow within  
10 our offices. And I am not sure I understand why we would devote these people solely to  
11 education issues. Surely that's an issue to be examined, but I do think that it's an across  
12 the board question as to clarity presentations and the Council's -- evolution of the  
13 Council's own policies as to how we do budget reviews. The school budget sure is a  
14 challenge. We do have a committee associated with that, and as we have committees  
15 associated with all these budget reviews. I think it would be, and I don't oppose having  
16 more people to assist us in doing this work. But I think we need to spend some time  
17 talking about the charge to staff. Because I am -- I see us getting more reports that go  
18 on more shelves, frankly.

19  
20 Councilmember Praisner,  
21 Well, some of that responsibility -- to some extent we are going to discuss after the  
22 budget processes, we always do with both Council staff and with the Office of  
23 Legislative Oversight, the budget process. I've made with Mr. Knapp several  
24 suggestions. It's an evolutionary process of trying to move this differently. It's not just  
25 the information we're given but how we use that information that I think is a challenge.

26  
27 Councilmember Floreen,  
28 I don't disagree with you at all, Ms. Praisner, but I do question why we would put in two  
29 positions and devote them solely to the school system's budget. I support the initiative  
30 and the allocation, if you like. I don't think it's all that important, but I do think we have a  
31 lot of things to be concerned about. And I would not choose only one focus for the staff.  
32 So, if the proposal before us makes it clear that this staff is going to be devoted to  
33 budget work on behalf of the Council generally, I'm okay with it. But not to the extent  
34 says it says that these people will be devoted to addressing the educational budget.

35  
36 Council President Leventhal,  
37 Okay, I'm, there are a lot of lights on, I know Mr. Subin wants to be recognized, but  
38 there are other Councilmembers have been waiting, but I will recognize Mr. Subin.

39  
40 Councilmember Floreen,  
41 Where are we...

42  
43 Council President Leventhal,



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1 The motion now before the Council, as I understand it, is that one senior and one less  
2 senior position each will be added, one to OLO, and one to the general Council staff for  
3 the purpose of analyzing the MCPS budget.

4  
5 Councilmember Floreen,  
6 That's what I heard.

7  
8 Council President Leventhal,  
9 That is the matter now before the Council. That is the motion now pending. Mr. Knapp.

10  
11 Councilmember Floreen,  
12 I do not support the proposal to the extent we include devoted to reviewing the MCPS  
13 budget.

14  
15 Council President Leventhal,  
16 Councilmembers are entitled to vote anyway they want to vote.

17  
18 Councilmember Floreen,  
19 I think it inappropriately limits our purview. So, I make a motion to amend what's on the  
20 table to eliminate those words.

21  
22 Council President Leventhal,  
23 Well, that's fine. There's an amendment then, that's in order. An amendment has been  
24 made to limit the focus on the education budget. Is there a second?

25  
26 Councilmember Subin,  
27 I will second that for purposes of discussion.

28  
29 Council President Leventhal,  
30 Okay, the motion made and seconded. Is there discussion on the amendment deleting  
31 the focus on the education budget? Do members want to speak to that? Mr. Knapp, did  
32 you want to speak to that. Mr. Knapp, you're next in line, but if you want to wait until the  
33 general motion.

34  
35 Councilmember Knapp,  
36 I'll wait 'til the general motion.

37  
38 Council President Leventhal,  
39 Mr. Andrews would like to speak to the amendment.

40  
41 Councilmember Andrews,  
42 Yes, I do support the motion, and I think the reason to add resources in this area is  
43 because the MCPS budget is half of our budget, it's a \$2 billion budget almost. I think  
44 we need -- I think all of us need help in analyzing the budget, and I'm glad to have the  
45 help as Chair of the Public Safety Committee in looking at issues in Public Safety such



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1 as Park Police, which I would say is an outstanding report and has moved quickly to  
2 have an impact on the way in which Park Police is looking at some of its deployment  
3 options. I think that the first Base Budget report that was done by the Office of  
4 Legislative oversight has already generated a lot of activity, and I think will result in  
5 some significant changes in the review of Park Police. And what these Base Budgets  
6 do, apart from -- it's different from what we do during the budget processes. They look  
7 at the assumptions behind the budget. We look at changes to the current budget during  
8 the budget process. But what OLO is able to do, which we can't do during the budget  
9 because of time, is to get into the assumptions that drive the budget. The assumptions  
10 in Park Police that drive deployment of staff. That's the sort of analysis that I think OLO  
11 is so good at and brings to the table, and it's been very helpful to the Public Safety  
12 Committee and the Council in my view regarding Park Police. I think it would be helpful  
13 as well in education. So, that is why I support the amendment. Why I think it's a good  
14 idea. That's why I support the motion, not the amendment. I support the motion that was  
15 proposed by Ms. Praisner and seconded by Mr. Leventhal to add two personnel for the  
16 purpose of focusing on the MCPS budget. And I oppose the amendment would dilute  
17 that.

18  
19 Council President Leventhal,  
20 I understand Mr. Knapp does want to speak to the amendment.

21  
22 Councilmember Knapp,  
23 Yes, I'm not sure where I come down on Ms. Floreen's motion yet. The reason I think  
24 the underlying motion is a good thing and I would be supportive of it generally is while I  
25 think that what we did last year by providing kind of OLO Base Budget reviews is  
26 informational and helpful, and I think the Park Police is a great report, I guess this  
27 comes back to Ms. Praisner, philosophically I think, or managerially I think, budgets are  
28 a dynamic year-long oversight management tool. It's what we do. And when you do kind  
29 of spot interventions, it's difficult for us to look across the entire budget and provide, I  
30 think, the oversight function that we as a body are supposed to provide. And the part I  
31 like about actually having a focus for these analysts is I think it's something that we  
32 should do across the board. And to say we want to start with having an MCPS -- an  
33 additional person for an MCPS analyst for the purposes of budgeting I think would be  
34 good, but I wouldn't stop there. I think we should increase those types of resources so  
35 we look across all of Montgomery County budgets so that we are doing, as Mr. Andrews  
36 said, looking at the underlying assumptions behind the budget all year long. Because  
37 otherwise I think you end up -- we have a lot of focus, we scurry around, address one  
38 piece, then that piece goes away. We need to be able to establish an analysis of the  
39 assumptions year-long through all of our departments and agencies. So if the makers of  
40 the motion -- this is a start to beginning to look at how we do this across all of our  
41 departments and agencies, beginning with the biggest one first, I think that makes  
42 sense. If it is only an effort to do it a one-time deal, and we're doing MCPS, and the  
43 we're not doing it anymore, I struggle with that. We all come from different backgrounds.  
44 One thing I struggle with since I've been here is how we approach this. Spending five  
45 years in the Senate, there's a Budget Committee and there's an analyst for every



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1 department or agency that's focused year-long on the assumptions that go into that  
2 department or agency. We don't have the ability to look at our budget -- right now, we're  
3 not set up that way. We need to increase resources so we can do that, so we're looking  
4 at both the content and budget assumptions that make that up on a year-long basis.  
5 And so I'm not sure where I come down with Ms. Floreen's amendment, but I think  
6 conceptionally I like the notion of increasing resources for the purpose of increasing  
7 budget analysis across Montgomery County's budget, not just saying we stop at MCPS,  
8 which would require us to come back next year and increase resources, or to reallocate  
9 even what we did last year to look across more of the budget to provide assistance at  
10 our other couple large departments or agencies at the same time. So we have one for  
11 MCPS. Perhaps we would designate one for Public Safety so we are looking at Fire and  
12 Rescue. One thing we talked about in Public Safety Committee is look for at that in-  
13 depth look at Fire and Rescue this year, because it's a large budget, we've put a lot of  
14 resources over the last couple of years, but to begin to establish that on-going Base  
15 Budget.

16  
17 Councilmember Praisner,

18 Mr. Knapp, I understand what you're saying and some of what the attempt has been to  
19 free up more time of our analysts in order to be able to have them focus on the budget,  
20 not just during the budget process. Which as we all agree is less than satisfactory for  
21 the analyst, as well as for us, and certainly for the community. The whole intent of trying  
22 to get at Base Budget reviews, to try and take the off-year of the CIP, and free up more  
23 time for more budget analysis, which would become building blocks for further analysis,  
24 are a variety of the items that we have tried -- or I have tried to introduce over the years  
25 to get at a different way of doing the budget. I started with this recommendation this  
26 year because, as some folks have already indicated, the school system is over half our  
27 budget, and I think our analysts do a superb job. With the limited time they have  
28 covering other issues as well and covering substantive subject matter rather than  
29 exclusively the "programic" dollars, following the dollars. I think Linda McMillan does a  
30 superb job in giving us both an overview and an individual budget review. I think we  
31 need to step back as a Council and not -- and look at a variety of things including what  
32 kind of information we need, what we will look at, not during the budget season, what  
33 staff we need and how they are organized, and what are the major budgets that require  
34 review. It seemed to me that there might a variety in Public Safety, at a different point in  
35 time, but certainly not every Public Safety. We don't need a spent a great deal of time  
36 on the Circuit Court or some of those other offices. I don't see this as the only thing to  
37 be looked at, but given the fact we received community testimony about suggesting  
38 more analytic work on the school system budget, knowing how stressed and stretched  
39 our staff is, knowing the limited time that we have during the budget process for that  
40 review, and the fact that the analysts who have to work on the school system budgets  
41 during the off budget time are also "multiplely" assigned. It seemed to me that we  
42 should start with the education area and focus some staff that has more capacity,  
43 increasing our capacity to look at more in-depth budgetary issues, such that we are  
44 provided with better information, and to some extent, so is the public by virtue of the  
45 materials that our staff generates. So, I think much as we have started to look at the





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1 issue of the individual Councilmember offices and -- from a building block perspective  
2 are expanding on that capacity, I think we need to expand on the capacity for the  
3 Council both generally and specifically. So you may need more generalists in essence,  
4 but you also may need folks to carve out a work plan that is assigned with more in-  
5 depth budget analysis when we're not looking at the budget, which is not -- beyond  
6 March through May.

7  
8 Councilmember Knapp,

9 I agree, I just have one question. I think the Chair's explanation, because I think that's  
10 important, and I agree. My concern is then when we did even our Council staff efforts  
11 last year, we had laid out kind of a couple different parameters. So my concern with  
12 allocating these for a specific task right now without having done kind of how -- what  
13 you talked about, kind of -- how do we want to layout the budget piece, what is our  
14 framework going to be, I have a little problem with. So I'm wondering if it doesn't make  
15 sense -- or how we do this, once we conclude the budget does the MCPS come back  
16 and make a series of recommendations? And so should we increase the capacity? I  
17 agree that I think the focus should be on education. I just don't want to sit here today  
18 and say yes we're going to put them on education without having kind of the broader  
19 framework. I'm happy to say, the intent should be education, but to come back with the  
20 MFP Committee in June and say here is how we ought to allocate the rest of the people  
21 we put in last year, and the new people put in this year.

22  
23 Councilmember Praisner,

24 We have already allocated those other people from a standpoint of saying we wanted  
25 an attorney and we wanted someone to focus on technology, having lost staff to other  
26 offices.

27  
28 Council President Leventhal,

29 We added somebody on land use.

30  
31 Councilmember Praisner,

32 Land use and...

33  
34 Councilmember Knapp,

35 I mean on the budget piece. We increased two people last year for OLO for budget.  
36 We're now going to introduce two more people for budget, and I think those are good,  
37 so in two years we put together four people together for budget, but what is the broad  
38 framework we want them to have look looking at the budget?

39  
40 Councilmember Praisner,

41 I guess I would respectfully argue that I can't see us not needing education support,  
42 given the magnitude of the budgets we're talking about. And from a standpoint of the  
43 capacity and the work load, I don't see how -- and given the magnitude of the work load  
44 and the overlaps and the work plan for individual analysts at this point, I think the place  
45 where more assistance is needed from an initial basis, given the dollar amounts we



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1 we're talking about, the billions that we're talking about is in education. So that's why I  
2 made the motion that way. I can't imagine coming back with anything more than an  
3 affirmation of that, given the MFP's conversations initially.

4  
5 Councilmember Knapp,

6 I agree, I would encourage us to be looking at education. The question is where do you  
7 then go next? What is your framework, so we actually have a plan? When we  
8 implemented the staff plan -- for Council office staff last year, we knew we were doing a  
9 portion last year, a portion this year, and a portion the following year, because we had a  
10 framework. So, I think it makes sense to look at education and then where are we  
11 going, so we can say tell people here's our plan, as opposed to just allocating it for  
12 education, we've done it once and then we're done.

13  
14 Councilmember Praisner,

15 A: We're not done. B: I think education no matter where you go with how many analysts  
16 and what the work plan is has got to have the attention, given the dollar amount. And I  
17 would anticipate the MFP Committee both in conversations with the Office of Legislative  
18 Oversight after the Council has identified its work plan desires, and also with Mr. Farber,  
19 from a standpoint of analysts and assignment having that -- presenting the full Council --  
20 the new Council with a plan for the Council offices and OLO office staff needs over the  
21 long run. But I thought, given, again, I'll say it again, given the dollar amounts, given the  
22 issues and community comments, education seems the logical place to start no matter  
23 where you go.

24  
25 Council President Leventhal,  
26 Ms. Floreen.

27  
28 Councilmember Floreen,

29 Thank you. Well, I do agree with Mr. Knapp in this conversation. If we had the whole  
30 work program before us, we could say, "well, we're going to add these people and this  
31 is what everyone is going to do," I think that would be the appropriate environment in  
32 which to identify priorities. But the proposal before us, I guess, is to create two  
33 dedicated positions. I myself, would like a position dedicated to rewriting the Road  
34 Code, because Mr. Orlin is so busy fixing the capital budget on a daily basis. My four-  
35 year project is going to go on and on, and on. So the point is there are a lot of  
36 competing priorities. I think it's very appropriate for us to focus on the budget. I  
37 personally think we've kind of gotten off track this year in how I at least thought we  
38 would go about improving accessibility and understandability and our own approach to  
39 it. So perhaps we will get back on track next year, I don't know. But the motion, we don't  
40 have other staff devoted to other budget functions, do we? Right now?

41  
42 Council President Leventhal,  
43 Was the question addressed...

44  
45 Councilmember Floreen,





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1 I'm asking anybody. Ms. Praisner, Karen, Mr. Farber?

2  
3 Council President Leventhal,  
4 The question is do we have other dedicated positions?

5  
6 Councilmember Floreen,  
7 Other staff dedicated to budget work right now between OLO and Council staff?

8  
9 Steve Farber,  
10 Well, on the Council staff, Ms. Floreen, basically we have a core of analysts, a dozen  
11 analysts.

12  
13 Councilmember Floreen,  
14 They slip in and out depending...

15  
16 Steve Farber,  
17 They work on a variety of issues. We do have people, for example, Linda McMillan, as  
18 was mentioned, is our Public Safety and Criminal Justice Analyst...

19  
20 Councilmember Floreen,  
21 The point is they perform a variety of functions within the course of the year, isn't that  
22 right for Council staff?

23  
24 Steve Farber,  
25 Yes.

26  
27 Councilmember Floreen,  
28 For OLO do you have any dedicated, folks who are dedicated to one element of a  
29 function like this, budget?

30  
31 Karen Orlansky,  
32 When you added positions last year it was with the guidance that two work years of  
33 effort, and actually turned out to be a bit more, would work on projects that had a budget  
34 focus. I like a flexible staffing model, because depending on the assignment, it depends  
35 on the background that people have, and being able to move people around, and I do a  
36 lot of team assignments. So that's worked very well to have two additional work years,  
37 but then in my management of the talent that we have, assigning as appropriate. I'm  
38 listening and I guess, depending on where this comes out, if it is focused on education, I  
39 might have to change that for this particular position or positions, depending on how this  
40 happens or doesn't. My only comment that I would have is that over the years, I think,  
41 and Steve and I work extremely well together, and we will get the job done for you  
42 collectively. There's a difference between on-going staff work for a function and then  
43 what I would call a discrete analytic assignment. And to do the kind of work that we do  
44 with the products we produce it's really time consuming. And you have to kind of have  
45 brain time. You have to have time look at data and collect data and all the relational



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1 work that involves with mining that data. And it is really, really difficult to do that work  
2 and simultaneously be staffing Committees on a weekly basis. So my only advice would  
3 be, it depends what you're looking for, and if you are looking for more on-going staffing,  
4 in-depth staffing of the items that come across your Committee Agenda every week,  
5 then that may be more of a central Council assignment. If you're looking for more  
6 discrete analytic pieces that go in-depth on specific issues that you identify, then I think  
7 it's an Office of Legislative Oversight kind of thing. And that division actually allows  
8 people to get their job done, working together as necessary, but also in a way that we  
9 have the luxury -- it actually requires a lot of self-discipline. You give us assignments  
10 and we have to do a Calendar and come back even though there's not a product due  
11 every Monday. It's a different management kind of approach. So, part of it depends on  
12 what you are looking for.

13  
14 Councilmember Floreen,

15 Let me ask you, Karen, if what we wanted were two people dedicated to budget review,  
16 and whether or not it's educational budget priorities, or just budget analysis period, and  
17 obviously we all have some different views as to what that looks like exactly. But keep --  
18 but thinking of it from two people dedicated really to a budget review function, how do  
19 you think that is best allocated? Is that an OLO function you think -- better performed in  
20 OLO, because you would have less staffing of other activities?

21  
22 Karen Orlansky,

23 Actually I wouldn't want to be pressed for an answer this morning...

24  
25 Councilmember Floreen,

26 Sure.

27  
28 Karen Orlansky,

29 ...because I do hear so many different interests among the nine of you and our office  
30 works for the institution. So it would have to, I think I'd have to buy a little time.

31  
32 Councilmember Floreen,

33 You just want to be supportive.

34  
35 Karen Orlansky,

36 I want to be supportive. I work for you all. I was trained by [Colonel Mancini] that the  
37 office goes where the Council needs us, and we will...

38  
39 Councilmember Floreen,

40 You will do what we ask you to do.

41  
42 Karen Orlansky,

43 We will do what you ask us to do. But I think we'd try to buy a little time to come back  
44 with a proposal based on what I hear a consensus of what the Council is looking for. So,  
45 I wouldn't want to be pressed right now to answer that.



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1  
2 Councilmember Floreen,  
3 Given that response, might I make a suggestion that we allocate dollars for two  
4 positions and ask OLO to come back with a proposal as to how they think that....  
5

6 Council President Leventhal,  
7 Ms. Floreen, you've already offered one amendment and we need to vote on that one. If  
8 you want to offer another amendment, let's vote on the first one first. If you want to  
9 offer another one -- if you recognized it would be in order to offer another one.  
10

11 Councilmember Floreen,  
12 I'll look forward to...  
13

14 Council President Leventhal,  
15 We have an amendment now pending before the Council. Let's see what the Council's  
16 will is on that, that would be the Floreen Amendment now pending before the Council.  
17 Mr. Subin.  
18

19 Councilmember Subin,  
20 Well, I start off exactly where Mr. Knapp was and wish that this had part of a broader  
21 discussion that would have allowed all the Committees and the Committee Chairs to  
22 express what they saw as the overall need. I don't think that we are staffed to optimally  
23 look at the budget. We do not have enough people to do that.  
24

25 Councilmember Silverman,  
26 You would say it would be suboptimal.  
27

28 Councilmember Subin,  
29 I would say it's suboptimal.  
30

31 [LAUGHTER].  
32

33 Councilmember Subin,  
34 As we have done things in the past that it's a suboptimal way of looking at the budget,  
35 and we do need to look at this in a broader framework. I will state that had this been a  
36 broader discussion and there had been more of a heads up on what was to be  
37 discussed, I certainly would have had fought my way to the front of the pack for an  
38 additional analyst. It is clear that Ms. Planell does a Herculean task at looking at the  
39 incremental adds to the budget. But when she is also looking at the incremental adds to  
40 the HHS budget, it becomes an overwhelming task and something that no one person  
41 can do. So, I would say from that standpoint, clearly there needs to be an additional  
42 analyst for education, which has been pointed out is half of the budget, depending on  
43 how you cut that pie. So I would certainly be in here trying to take advantage of getting  
44 one more analyst to assist Ms. Planell in looking at that budget, and at the  
45 supplementals as they come in, to take a broader budgetary look at what's coming in.



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1 That is different though than what is done in OLO, which is a narrowly focused in-depth  
2 study, and we do need more of those for the school system. I would submit that the  
3 evidence alone of the two major private sector studies that we had, the Corporate  
4 Partnership For Managerial Excellence, and the, and Operation Excellence, both of  
5 which I requested from the private sector, and the school system was very receptive to,  
6 have helped us to get down from 6.2 percent of the school system budget being  
7 administrative to 2.1 percent. That's a 67% cut in the share of the budget that went to  
8 administration that is now going into the classroom where those moneys belong. So  
9 clearly additional in-depth studies would be required. Now, I thought, and the reason I  
10 seconded Ms. Floreen's motion for discussion purposes, was I thought that the colloquy  
11 that I had with Ms. Praisner brought us basically to where Ms. Orlansky said she is and  
12 has been in the past in terms of a flexible staffing model. And that nobody on her staff is  
13 dedicated to any one piece. With the implicit understanding that this would also allow us  
14 to do additional focused studies in MCPS, as those studies were agreed upon by the  
15 Council through the normal process, not as I heard the interpretation of the motion  
16 being, that that person would be dedicated to education. I have no problem with the  
17 analyst piece. I have a problem with the OLO piece for two reasons. It takes us outside  
18 of the model that has been followed by this office, which has been extraordinarily  
19 successful. I know of no other office that is so well respected and well received by  
20 agencies when they come in, and there are a number of other studies which are  
21 backing up things like land use. There are issues in HHS which need to be looked at.  
22 That is another huge multifaceted agency. And I don't know that we do all the analysis  
23 that we need there. Land use was a huge emergent problem this year. And we added  
24 those to the positions to the Council staff, and I think that was appropriate. I simply have  
25 a problem having had the colloquy which clarified the intent and then heard an  
26 interpretation of that that took us right back to where we were in the first place. So I  
27 would, I guess I would like to renew that colloquy with Ms. Praisner that my  
28 understanding was that the budget analyst would be dedicated to working with the  
29 senior staff analyst who does the budget, and that the person who went into OLO went  
30 in under the traditional flexible staffing model, with the implicit understanding that that  
31 would, in fact, allow us, under the normal Council procedures, to be able to do  
32 additional looks at MCPS like they just did with the training.

33  
34 Councilmember Praisner,

35 Well, Mr. Subin, again, I think that the Council has a myriad of questions about the  
36 school system budget that can be work of OLO. And while I appreciate the OLO work  
37 that was done on staff development, I think the questions that are asked or would be  
38 asked relative to Base Budget reviews would be more, would be structured a little  
39 differently, he is especially given my colleagues' comments about the Base Budget --  
40 their desires to modify the Base Budget process. So, the question I guess in my view is  
41 what part of the budget of the education budget would this analyst be looking at, would  
42 be the flexibility piece. But that the Council would desire that OLO focus more on some  
43 education issues.

44  
45 Council President Leventhal,



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1 Okay, the matter before the Council is the Floreen amendment...

2  
3 Councilmember Subin,  
4 Wait, wait, wait. Can I respond to that?

5  
6 Council President Leventhal,  
7 Well, I suppose, sure.

8  
9 Councilmember Subin,  
10 I am agreeing with you on the analyst. If the issue is that there is desire for more Base  
11 Budget analysis across the board and that is the issue of putting the person into -- the  
12 additional person into the OLO, that's fine. If the implicit assumption is that there would  
13 be more of a desire to look at specifics within MCPS, I think that is fine too. I am  
14 uncomfortable with putting a person into OLO with the specific purpose of targeting  
15 MCPS. We do have, as Mr. Knapp said, a myriad of issues which need to be looked at  
16 and if there is a targeting issue going on here, I'm opposed to that. If as if Ms. Floreen  
17 stated that, yes, we do need more, and we need a broader discussion of what needs to  
18 be done, I think that's where we need to be headed. Because there is plenty of work  
19 and plenty of studies that are backed up and more requests for OLO in a year than they  
20 can handle. That is the interpretation I'm trying -- the clarity I'm trying to get and I'm not  
21 sure that I'm getting it.

22  
23 Council President Leventhal,  
24 There, look, the will of the Council is going to work its way here. There are going to be a  
25 certain number of votes and the Council will express its will through a vote, I'm not sure  
26 -- I mean Ms. Floreen has offered an amendment that would give no direction to these  
27 positions, we would simply add two positions. If that's what the Council wants to do we  
28 can make that clear with this vote. We have an amendment now pending. I suspect the  
29 will of the Council will become clear in a few minutes. Mr. Knapp.

30  
31 Councilmember Knapp,  
32 Thank you Mr. President. I guess, yes, we can all take votes. There's been a lot of focus  
33 on how we do budgets and do budgets better. We have a chance to continue to try to  
34 improve on that process. I see this as one of those fleeting examples that we get to do it  
35 a little better. So rather than us in something sitting out here as a vote in one direction  
36 or another try to over prescribe to the folks that know how to do the job, what I propose  
37 is to say yes, put out the two positions. Mr. Subin and others said there should be a  
38 focus on education. I don't know if it should be an OLO position, or budget analyst  
39 position working with Joan, I don't know. That's a question I would ask Steve and Karen  
40 to see what makes the most sense. And then ideally end up back with the Committee to  
41 figure out how we want to do this for all of our -- to do budgets better for all our  
42 departments and agencies. And so that would be my proposal, which I think gets to  
43 what everybody wants to do. So we put two positions, say yes, one of them will have a  
44 focus on education, and then have it come back to the MFP Committee to make a  
45 proposal to the full Council sometime in the next four to six weeks, as to how we refine



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1 the budget process after a chance to get input from Steve and Karen and say not only  
2 should we do this in education and here's where the people ought to be, but here's how  
3 we think we ought to roll this out for our other departments and agencies over the  
4 course of the next year, two years as we start to continue to do budgets, and add staff  
5 as necessary.

6  
7 Council President Leventhal,  
8 Mr. Knapp if you are proposing another amendment, it would be in order after the  
9 Floreen amendment is disposed of.

10  
11 Councilmember Knapp,  
12 I was hoping to get something we all agree upon so that...

13  
14 Councilmember Floreen,  
15 Luckily we have all morning to have this conversation.

16  
17 Council President Leventhal,  
18 We could total up the time spent by Councilmembers. Some have used a great deal,  
19 others have not.

20  
21 Councilmember Knapp,  
22 Look, I think...

23  
24 [LAUGHTER].

25  
26 Councilmember Silverman,  
27 Can we talk about the fireworks again?

28  
29 Councilmember Knapp,  
30 I think this is a great opportunity. If you look at our two priorities as a body. We do land  
31 use, we do budgets. If we take an extra couple hours to figure out how to do budgets  
32 better, I'm all for it. I'm willing to spend the time to make sure we do it well.

33  
34 Council President Leventhal,  
35 Look, now I need help on parliamentary procedure. We have a motion offered by the  
36 Council Vice President, seconded by the Council President pending before the Council.  
37 We have Ms. Floreen's amendment which would delete the focus on education, making  
38 the effect of the underlying amendment simply to have two positions without defining  
39 what those positions are. If Mr. Knapp wants to offer...

40  
41 Councilmember Floreen,  
42 I'm going to accept Mr. Knapp's language as a friendly amendment to mine. Which  
43 would indicate two positions, one with a focus on education and to bring back to us a  
44 proposal for allocating staff time.





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1 Council President Leventhal,  
2 So, Ms. Floreen is modifying her amendment. That would require the consent of the  
3 seconder, Mr. Subin.

4  
5 Councilmember Subin,  
6 All right.

7  
8 Council President Leventhal,  
9 All right, Ms. Floreen is modifying her amendment, and the amendment now states we  
10 would have an analyst position devoted to education and a position added to OLO  
11 without definition...

12  
13 Councilmember Knapp,  
14 No, no, we would two positions. One of them with a focus on education, we are not  
15 saying which one it is. The MFP Committee, after consultation with our two staff  
16 directors, will tell us where it makes the most sense to put that person. That's what I  
17 was proposing.

18  
19 Council President Leventhal,  
20 I see, okay, so we would one position devoted to education, and then the Staff Director  
21 and the Director of OLO would come back and tell us what the Council staff's duty's  
22 would be.

23  
24 Councilmember Knapp,  
25 And do that in the context of a larger budget allocation plan so this would be the first  
26 step. We would see a larger framework.

27  
28 Council President Leventhal,  
29 I see, okay, very good. Are we, okay I'm going to state that I'm opposed to the  
30 amendment. It seems to me that it is the Council's responsibility to define the  
31 responsibilities of the Council staff. We do rely heavily and appreciate very much our  
32 professional managers, Mr. Farber and Ms. Orlansky. They are an extraordinary asset  
33 us to. Once these positions, if it is the will of the Council to add these positions are  
34 added, they would certainly come under the supervision of their supervisors who would  
35 be Mr. Farber and Ms. Orlansky, but it seems to me it is not necessary for the County  
36 Council to be advised by its own staff as to how it wishes to assign its own staff. So I'm  
37 going to oppose the amendments. I'm just one Councilmember. It seems to me it is for  
38 the County Council to define the roles and responsibility of the County Council staff.  
39 There is another comment from Ms. Floreen who earlier expressed concern about how  
40 much time we were spending on this matter. Ms. Floreen, you have the floor.

41  
42 Councilmember Floreen,  
43 The Council exercises supervision over all its staff on a regular basis. It's fine to choose  
44 to establish these as targeted positions now, but I think we want retain the flexibility to



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1 direct staff as Council sees fit and approval of work plans on a regular basis, which  
2 we've always done I suspect, and will continue to do so.

3  
4 Council President Leventhal,  
5 Mr. Subin.

6  
7 Councilmember Subin,

8 Well, it's true at the end of the day that the Council directs the staff. It doesn't mean that  
9 we have to dictate to them without asking for their advice. They're the ones who do this  
10 work on a day-to-day basis and they know best what it takes to get it done. And it  
11 seems that what Mr. Knapp is saying is let us take the time to go back to them, and see  
12 in a broader context what it is that they need and what would be most helpful to them in  
13 getting to the issues that we want to get to. I think it's a matter of respect for the folks  
14 who actually do the work and know what it takes to get it done. It's simply what he is  
15 saying, simply because we can dictate doesn't mean that we have to.

16  
17 Council President Leventhal,

18 Okay, the vote is on Ms. Floreen's amendment as modified by Mr. Knapp. Those in  
19 favor of Ms. Floreen's amendment will signify by raising their hands. It is Mr. Knapp, Mr.  
20 Silverman, Mr. Subin, and Ms. Floreen. Those opposed will signify by raising their  
21 hands. It is Mr. Andrews, Mr. Perez, Ms. Praisner, myself, and Mr. Denis. The  
22 amendment fails on a vote of 4-5. We now are back to the original proposal by the  
23 Council Vice President, to add two positions, one senior and one less senior, one  
24 assigned to OLO, one assigned to the Council Staff to focus on education. I see no  
25 further lights. Those in favor of the motion will signify by raising their hands. It is Mr.  
26 Denis, Mr. Silverman, Mr. Andrews, Mr. Perez, Ms. Praisner, and myself. Those  
27 opposed will signify by raising their hands. It is Mr. Knapp, Ms. Floreen, and Mr. Subin.  
28 The amendment carries on a vote of 6-3. Anything further on the OLO budget?

29  
30 Councilmember Praisner,  
31 No.

32  
33 Council President Leventhal,  
34 Chairwoman Praisner? Now we turn to the County Council budget. Chairwoman  
35 Praisner.

36  
37 Councilmember Praisner,

38 Yes, the Committee recommends -- unanimously recommends approval of the Council  
39 Office Budget. \$8,100,940, as you know the Council Budget over the years has seen  
40 significant fluctuation. The Council Budget has -- Council has absorbed significant  
41 restructuring and personnel over the years, but we have in the last few years tried to  
42 remedy some of the staff needs by adding additional positions, both at the central office  
43 and in the individual Councilmember offices. The Committee recommends approval of  
44 the budget. I don't know if Mr. Farber has any comments he'd like to make.





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1 Council President Leventhal,  
2 Mr. Farber.

3  
4 Steve Farber,  
5 No I think that covers it.

6  
7 Council President Leventhal,  
8 Okay, there are no further lights, and without objection the County Council's budget is  
9 approved. We need now a little help from staff, I think, to recirculate, because we've had  
10 a lot of packets. What I'm going to suggest is that the grants for Adult Literacy and  
11 ESOL -- that perhaps Mr. Perez may want to move them en bloc as additions to the  
12 Reconciliation List, but because it was in yesterday's -- well it was in today's packet, but  
13 I'm not sure if all members have just a simple list of those grants that were separated  
14 out from the others grants, do we have that?

15  
16 Councilmember Praisner,  
17 Yes.

18  
19 Council President Leventhal,  
20 Yeah.

21  
22 Unidentified Speaker,  
23 [INAUDIBLE]

24  
25 Council President Leventhal,  
26 Great, let's circulate that, it is in today's...

27  
28 Councilmember Perez,  
29 I'm happy to do that, so moved.

30  
31 Council President Leventhal,  
32 Okay, Mr. Perez has moved, and Ms. Praisner has seconded en bloc, what page is the  
33 ESOL? These are on page, the page is not numbered.

34  
35 Councilmember Perez,  
36 That would be page five. If one were counting.

37  
38 Council President Leventhal,  
39 If it were numbered it would be page 5, it is the heading of ESOL Grants and Mr. Perez  
40 has moved, and Ms. Praisner has seconded, adding to the Reconciliation List en bloc --  
41 I'm going to go through these one-by-one, because I think one of them has been  
42 withdrawn, but we need to clarify that. Adding to the Reconciliation List the following  
43 amounts: \$70,000 for CASA of Maryland to administer a program of small business  
44 development and employment services for women in the Long Branch area. \$50,500 for  
45 Centro Familia to expand training of limited English proficient family care providers.



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1 \$20,400 to the Chinese Culture and Community Service Center to improve English  
2 literacy of 400 newly immigrated adults. \$3,500 for the Derwood Alliance Church for a  
3 new program that assist adult members of the organization's congregation with English,  
4 and this next one, I was not sure? Is this still pending now, Local 82?

5  
6 Councilmember Perez,  
7 I don't believe it is.

8  
9 Council President Leventhal,  
10 Local 82 has been withdrawn, okay. So we are not in this motion adopting -- or adding  
11 to the Reconciliation List the Local 82 Local Education and Training Program. \$70,000  
12 for the Spanish Catholic Center of Community Services for an ongoing ESOL and pre-  
13 apprenticeship construction program. \$72,080 for the World Chinese League to develop  
14 a TV-based ESOL program. So the motion has been motion and seconded. I have a  
15 question regarding the first item, why is a program for small business development and  
16 employment services and educational courses for women under the category of ESOL  
17 and Adult Literacy?

18  
19 Councilmember Perez,  
20 I was going to ask the same question. I don't know the answer to that. I had that  
21 question...

22  
23 Council President Leventhal,  
24 I'm going to ask Ms. Planell actually, or Ms. White, to remind us as to why that grant  
25 was included on this list of ESOL and adult literacy.

26  
27 Councilmember Perez,  
28 I think this was number, this is number 28 on our grant list if I'm looking at it correctly.  
29 And it's a holistic program as I understand it for women in Long Branch. It's a small  
30 business development, as well, it has an employment and he had a educational  
31 component, and the educational component it's basically a program, if I understand it,  
32 that's focused on immigrant women, but unlike the others that are straight adult ESOL.

33  
34 Councilmember Silverman,  
35 It has nothing to do with the other grant.

36  
37 Councilmember Perez,  
38 I'm not sure if I'm correct.

39  
40 Councilmember Silverman,  
41 This is on Circle 45 as a separate grant request.

42  
43 Council President Leventhal,  
44 It looks like...



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1 Councilmember Silverman,

2 I understand what Council staff is saying, but we took up and on what would be page 4,  
3 if they were numbered, there is \$150,000 item, which is misnamed here, this does not  
4 have anything to do with educational courses for women in the Long Branch.

5  
6 Council President Leventhal,

7 We have our answer. Our excellent, superb, hard working staff just did a cut and paste  
8 error because the description here at the top of the list is not correct, so we appreciate  
9 the efforts of our staff. We're only human. So just to, just for the record, the first item in  
10 Mr. Perez's amendment is to support personnel and operating costs for Spanish  
11 Literacy, ESOL, Computer Classes, Citizenship Classes, Social Services, and health  
12 programs at Pine Ridge Community Center. That is a correct description of the first  
13 item. So those items corrected with the deletion of Local 82 Education and Training  
14 Program are proposed now to be added to the Reconciliation List in the category of  
15 ESOL and Adult Literacy.

16  
17 Councilmember Perez,

18 If I could just -- I appreciate you doing this and the one observation I want to make as it  
19 relates to Local 82, their proposal, as Mr. Subin correctly pointed out, was not ready for  
20 prime-time. I know they're in a position to compete assuming some of the money comes  
21 off the Reconciliation List that we've added. I don't know what the money amount will  
22 be. I want to provide the program work, I want to make sure that Local 82 understands  
23 that they will certainly, if they can demonstrate the capacity that I believe they have,  
24 they will be in a position to compete for those. We're not making any promises but they  
25 will be in that position. So we just wanted to clarify that. Didn't want them to  
26 inadvertently thinking that they were ineligible then to apply for anything.

27  
28 Council President Leventhal,

29 Okay, is there... We have comments on adding these items to the Reconciliation List.  
30 Mr. Silverman.

31  
32 Councilmember Silverman,

33 Thank you, Mr. President. I just want to get a clarification. I don't understand what the  
34 relationship is between these grants and the \$575,000 for MCALESOL. In other words,  
35 when we're going to be looking at a Reconciliation List, are we going to be asked to  
36 support a lump sum of money to MCALESOL and voting for individual grants?

37  
38 Council President Leventhal,

39 They're all on the list Mr. Silverman, just the way you like it.

40  
41 Councilmember Silverman,

42 Could somebody explain because I thought the purpose of the MCALESOL was to run  
43 grants through MCALESOL.

44  
45 Council President Leventhal,



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1 We had that conversation during the Education Committee's presentation.

2  
3 Councilmember Perez,

4 In 90 seconds, that a purpose will be to do that. And it's not a perfect analogy but the  
5 Primary Care Coalition has some function there in terms of funneling grant to safety net  
6 providers, funneling money from the County to safety net providers. Our hope that is  
7 MCALESOL, in a year, they're not currently organizationally situated to do that right  
8 now. And were they here, they would say that to you. and they did, in fact, in front of the  
9 Education Committee, as I understand it. That is the goal, they're actually not a C3 yet.  
10 They're in the 7th month of pregnancy. They hope to be birthed in the coming year. And  
11 it will be a beautiful baby I predict. But they can't do it right now. So that's why we're  
12 doing it this year. Next year I hope it will be different.

13  
14 Council President Leventhal,  
15 Mr. Subin.

16  
17 Councilmember Subin,

18 Just an additional piece to what Mr. Perez said about Local 82, they were ready to go  
19 but they lost the facility that they planned to go in. That is the reason that they had to  
20 pull back. They have a plan. They don't have a place, and it is conceivable that the  
21 place and the program, when they're both available, can be integrated with MCALESOL  
22 to broaden MCALESOL's abilities to decrease the waiting list, and all that be integrated  
23 next year when MCALESOL does the work necessary to act as the umbrella.

24  
25 Council President Leventhal,  
26 Mr. Perez?

27  
28 Councilmember Perez,

29 I just had a quick question right now. And I guess it's a question of staff. The Council  
30 received seven ESOL grant applications and they're outlined here. As I look at the  
31 grants packet, there were other grant applications that I would put in the category of  
32 ESOL grant applications. For instance, the Caribbean Help Center had an application  
33 for \$27,400. That isn't in here. I think Community Ministries of Rockville had an  
34 application as well and I'm asking a question of staff. Was there a reason why those  
35 aren't included on what would be page 5 were we to number this packet? The Literacy  
36 Council as well, I think.

37  
38 Amanda White,

39 When we categorized those we did you tell on first blush of the summary sheets, and  
40 depending on what the organization put on their summary sheet is how we categorized  
41 them.

42  
43 Council President Leventhal,  
44 Mr. Perez if you want to add the Caribbean Help Center at this time, it would be in  
45 order.



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1  
2 Councilmember Perez,  
3 Yeah. I did.

4  
5 Council President Leventhal,  
6 So let me just be clear. Is there objection to adding, did we already vote on this first en  
7 bloc list?

8  
9 Councilmember Perez,  
10 Yeah, there was no objection.

11  
12 Council President Leventhal,  
13 Okay, let's just be clear. Without objection, the en bloc list offered by Mr. Perez is added  
14 to the reconciliation.

15  
16 Councilmember Perez,  
17 I'm just looking down. I have a list of grant applications that I've actually, my staff has  
18 cleverly color-coded for what they didn't realize was their colorblind Councilmember. So  
19 the black and the blue I have a little trouble with, but I know red, and Caribbean Help  
20 Center is \$27,400. I believe there was Community Ministries of Rockville had some, and  
21 I met with them. They had a couple, this is page 39 of our original grant packet that they  
22 had a \$60,000 request for to provide ESOL. This is not to be confused with Community  
23 Ministries of Montgomery County. The Caribbean Help Center, we already did the  
24 CASA one. Was the Spanish Catholic Centers, is that on our list already?

25  
26 Council President Leventhal,  
27 Yeah.

28  
29 Councilmember Perez,  
30 Okay. And then the Chinese Cultural and Community Center.

31  
32 Council President Leventhal,  
33 That's here too.

34  
35 Councilmember Perez,  
36 Which is there and we already have Derwood and then the last one would be the  
37 Literacy Council of Montgomery County which was a \$6,900 request.

38  
39 Amanda White,  
40 If I'm not mistaken, that was actually funded through a different grant program, I think  
41 that was the CEG.

42  
43 Council President Leventhal,  
44 It's already in the Executive's budget.



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1 Councilmember Perez,  
2 Oh, okay. You're making my day, Chuck.

3  
4 Council President Leventhal,  
5 If you want to move the Caribbean Help Center and the Community Ministries of  
6 Rockville, it's in order. The motion was made by Mr. Perez and seconded by Ms.  
7 Praisner, is there discussion on the motion? Mr. Silverman, are you speaking to this  
8 motion?

9  
10 Councilmember Silverman,  
11 No, I have another question.

12  
13 Council President Leventhal,  
14 Without objection those two additional grants will be added to the Reconciliation List.  
15 Mr. Silverman.

16  
17 Councilmember Silverman,  
18 Thank you, Mr. President. One comment, one question. I want to clarify with staff. The  
19 Chinese Culture and Community Service Center which we just put on the list at  
20 \$20,400, they're already in the County Executive's budget. I'm looking at Circle 47 for  
21 community service grant of \$20,000. Is that for this program or is that for a different  
22 community service grant?

23  
24 Amanda White,  
25 It should be for this program.

26  
27 Councilmember Silverman,  
28 It is for this program?

29  
30 Amanda White,  
31 Yes.

32  
33 Council President Leventhal,  
34 According to the note at the end of what the Grant Advisory Group wrote, Mr. Duncan  
35 recommended half of what they originally asked for. They came to the Council and  
36 asked for the other half and...

37  
38 Amanda White,  
39 Correct.

40  
41 Council President Leventhal,  
42 We place this on it.

43  
44 Councilmember Silverman,



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1 But my understanding of the community service grants, and that's why I don't see the, I  
2 don't have our grant list here. Usually the community service grants, correct me if I'm  
3 wrong, are things like vans, computers.

4  
5 Joan Planell,

6 The community service grants are up to \$20,000 for capital purchases.

7  
8 Councilmember Silverman,

9 Right, so how does this jive with this. This is the Executive comments information sheet,  
10 from the Grants Advisory Committee. This is not the grant request form.

11  
12 Joan Planell,

13 Excuse us, but I didn't know we were doing this today so I just happened to be here. I  
14 don't have my packet. Does anybody have the really big packet?

15  
16 Councilmember Perez,

17 I actually have the packet.

18  
19 Councilmember Silverman,

20 The packet of grants, not the grants advisory. Tom, not the Grants Advisory Committee  
21 packet.

22  
23 Joan Planell,

24 This is what I want.

25  
26 Councilmember Silverman,

27 The grant list. I mean, who's that from?

28  
29 Council President Leventhal,

30 The Grants Review Panel.

31  
32 Joan Planell,

33 The Grants Review Panel.

34  
35 Councilmember Silverman,

36 That's what's in here. I know my staff is going to come charging up. I'm saying nobody  
37 has a copy of the actual grant form.

38  
39 Joan Planell,

40 No.

41  
42 Councilmember Silverman,

43 In front of us.

44  
45 Joan Planell,



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1 Right.

2  
3 Councilmember Silverman,  
4 Then I reserve the right to bring back tomorrow this grant because...

5  
6 Council President Leventhal,  
7 We just did it, Steve. We just added it to the Reconciliation List.

8  
9 Councilmember Silverman,  
10 I don't think you added enough is what I'm saying. I think staff says it's only \$20,400.

11  
12 Council President Leventhal,  
13 We'll clarify that, and we'll be back on grants tomorrow.

14  
15 Joan Planell,  
16 We'll double check that.

17  
18 Councilmember Silverman,  
19 Fine. The second question that I have, and I guess I'm asking the Council President of  
20 this process-wise, you know I'm a big believer in processes.

21  
22 Councilmember Perez,  
23 That's all you talk about Mr. Silverman.

24  
25 Councilmember Silverman,  
26 It's all I talk about is the process. My understanding is that notwithstanding the fact that  
27 there will be a Council President's list that will come out later.

28  
29 Council President Leventhal,  
30 Yes, momentarily.

31  
32 Councilmember Silverman,  
33 The Council is leap-frogging all of these grants ahead of that process.

34  
35 Council President Leventhal,  
36 This would be following the precedent set by the PHED Committee, which cherry-picked  
37 a number of grants that it thought was important.

38  
39 Councilmember Silverman,  
40 Yes, but apparently the Chair of the, the President of the Council did refuse to allow  
41 those to go directly to the Reconciliation List, they'll come up tomorrow.

42  
43 Council President Leventhal,  
44 No, sir, they are all on the Reconciliation List.





May 16, 2006

1 Councilmember Silverman,  
2 I think you said take them up at grants day is exactly what you said. I mean, I don't care,  
3 but my understanding is we've got to take up all these grants that were reviewed by  
4 Committee and they have to be taken up tomorrow at grants day.

5  
6 Council President Leventhal,  
7 Oh, I'm sorry, well...

8  
9 Councilmember Silverman,  
10 Yes, that's what you said it was your budget!

11  
12 Council President Leventhal,  
13 There were about 10 grants that the PHED Committee approved, so are we're going to  
14 need to spend sometime on those five. I'm sorry, I didn't know the status of those five.  
15 But we have time discuss that

16  
17 Councilmember Silverman,  
18 Grants day.

19  
20 Council President Leventhal,  
21 We have time to discuss them between now and then, and then we will act tomorrow.

22  
23 Councilmember Silverman,  
24 Tomorrow, but we're leap-frogging these ahead of everything else.

25  
26 Council President Leventhal,  
27 The Education Committee, look...

28  
29 Councilmember Silverman,  
30 Fine, I'm okay with it. I'm okay with it.

31  
32 Council President Leventhal,  
33 Let me know you're done asking and I'll give you an answer.

34  
35 Councilmember Silverman,  
36 I'm done.

37  
38 Council President Leventhal,  
39 Okay, do you want to turn your light off.

40  
41 Councilmember Silverman,  
42 Do I have to? But if I have another question. Go ahead.

43  
44 Councilmember Perez,  
45 It's your turn.



May 16, 2006

Councilmember Praisner,  
Let's go back to the 4th of July. I think that was better.

Council President Leventhal,  
The Council decided that there were some policy areas, specifically ESOL/Adult Literacy, and after-school programs, in which the Council wanted to address those priority needs through a different mechanism, the Education Committee had a discussion about ESOL programs, the PHED Committee had a discussion about after-school programs. And so items in those priority issue categories have been placed on the Reconciliation List. Thanks to the extraordinarily helpful work of my staff Walton Harris -- I'm going to do my Joe McCarthy impression now -- I have a list in my hand of sort of general grants that I will circulate.

Councilmember Silverman,  
Ooh, general grants!

Councilmember Perez,  
General Grant!

Council President Leventhal,  
Hold it together guys, just a few more minutes here. I started with Joe McCarthy so it's okay to talk about General Grant -- of grants in a variety of areas that I will be circulating momentarily. I'm just, I mean I've got it in my hand, I'm just editing it and proofreading it and all of that. That will give Councilmembers this afternoon to review it and understand what is on it. This is the President's list of recommended grants that do not fall into these topic categories, whether they're ESOL or after school care or Recreation or Arts and Humanities, which also have been dealt with separately. Well you created a whole bunch of categories, and you gave out a lot of grants in your committee. What you called to my attention is something that I had neglected to look at which is that there were these five grants which I'll have to confer with staff, which might merit inclusion on the President's list but I haven't really focused on them yet because they hadn't gone through Committee and I had not included them on my list. So I've got to look at those. So thank you for calling those to my attention, we'll confer with staff, Joan and Amanda and Walton, when we adjourn here. We need to sit down together and go through the list together before we release it to Councilmembers. Does that partially answer your question?

Councilmember Silverman,  
Yes, it does but if it's any help since you have the list, I was just pointing out I was intending to bring up the Committee recommendations tomorrow, because that's what I was supposed to do. You don't have to change your list. These are Committee recommendations. I'll just move them tomorrow to be added to the Reconciliation List, which is what the Committee wanted to do.



May 16, 2006

1 Council President Leventhal,  
2 Well, there you go.

3  
4 Councilmember Silverman,  
5 That's fine. I was trying to understand the process because you know that's my focus.

6  
7 Council President Leventhal,  
8 Absolutely. Ms. Floreen.

9  
10 Councilmember Floreen,  
11 Thank you. Since we're sort of understanding the process, I would just like to get some  
12 clarity. Mr. President, you say you have a list in your hand that you'll be circulating. We  
13 have a memo from Joan and Amanda on Council grants that has some of the items  
14 we've discussed today. And then it has -- there's the issue with what the PHED  
15 Committee did and exactly where that is and I understand we'll resolve that. Then we  
16 have they really big packet which is the grant applications that we received.

17  
18 Council President Leventhal,  
19 Right.

20  
21 Councilmember Floreen,  
22 Is it your intention that we will be working from the items I just referred to, Amanda and  
23 Joan's packet, in your list?

24  
25 Council President Leventhal,  
26 I think it would also be very helpful, Ms. Floreen -- thank you for question -- to bring  
27 along the thick Grant's Review Packet tomorrow, as well, because there will question  
28 that would be answered from that document.

29  
30 Councilmember Floreen,  
31 Is it your thought then that we will just go through each and every one?

32  
33 Council President Leventhal,  
34 Oh no, not at all. My hope is -- what I expect will happen -- it depends on the will of the  
35 body, but my hope is that I will offer this list which has been developed relying upon the  
36 recommendations of the Grants Review Panel, soliciting suggestions from  
37 Councilmembers including yourself, Ms. Floreen, and my hope is that the Council will  
38 look at the list that I will offer, will congratulate me for my brilliance.

39  
40 Councilmember Floreen,  
41 Well that is an ever present thing.

42  
43 Councilmember Silverman,  
44 We can do it right now.



May 16, 2006

1 Council President Leventhal,  
2 And will, without objection, add it to the Reconciliation List. That's my hope, and we can  
3 do it en bloc.

4  
5 Councilmember Floreen,  
6 Be ready for coffee.

7  
8 Council President Leventhal,  
9 I think we need not go through it grant by grant, I think we can do it in a single motion.  
10 However; what I anticipate will happen and I won't call out any names, but you know  
11 who I'm thinking of, is that Councilmembers will take my list and will have additional  
12 items.

13  
14 Councilmember Silverman,  
15 Mr. Andrews, he's always throwing another "shrimp on the barbie."

16  
17 Council President Leventhal,  
18 And those will be in order tomorrow and depending on Councilmembers' tolerance for  
19 that conversation it could take some quite some time.

20  
21 Multiple Speakers,  
22 [INAUDIBLE]

23  
24 Council President Leventhal,  
25 I'm still answering the question, and I have the floor. I do want to thank those  
26 Councilmembers who gave me their input as to items they wanted to see included on  
27 my list, and I made a real effort to accommodate those Councilmembers who gave me  
28 that input. So having done that, it is my hope that the Council will be delighted with my  
29 list, so we'll see how tomorrow goes. Ms. Floreen.

30  
31 Councilmember Floreen,  
32 So that the thought is at the conclusion of our very satisfying conversation, we will have  
33 a list, and that will be the list.

34  
35 Council President Leventhal,  
36 When we're done tomorrow, yeah, because --

37  
38 Councilmember Floreen,  
39 Nothing edited.

40  
41 Council President Leventhal,  
42 When we're done Thursday we have to adopt reconciliations.

43  
44 Councilmember Floreen,  
45 But this is tomorrow?



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1  
2 Council President Leventhal,  
3 But tomorrow is the final grant conversation.

4  
5 Councilmember Floreen,  
6 And that would be, indeed, the final one.

7  
8 Council President Leventhal,  
9 And that would actually be the first item of business, so if you're interested in grants, it  
10 would serve you well to be here promptly at 9:30 because that's when we're taking up  
11 the community grants.

12  
13 Councilmember Floreen,  
14 Okay. Thank you.

15  
16 Council President Leventhal,  
17 Okay, so that is where the Council is. And at noon I believe the Education Committee is  
18 going to discuss the Seven Locks matter and at 5:30 this evening the HHS Committee  
19 is going to review a very interesting and provocative report on domestic labor, and  
20 tomorrow morning we will convene at 9:30, I'm sorry, MFP is meeting also this afternoon  
21 at 12:30 -- oh, how are you going to do that if the Ed Committee is meeting at noon.

22  
23 Councilmember Praisner,  
24 We're meeting in another room.

25  
26 Council President Leventhal,  
27 You have some overlap of members.

28  
29 Councilmember Praisner,  
30 Ms. Lauer worked it out so I assume we will be very quick...

31  
32 Council President Leventhal,  
33 Do you want to do MFP at 1:00.

34  
35 Councilmember Praisner,  
36 I'm fine with 1:00 MFP.

37  
38 Council President Leventhal,  
39 So, Education Committee at noon, MFP at 1:00, HHS at 5:30 p.m., the Council will  
40 reconvene tomorrow morning. Whoa, we have a motion! Yes, indeed. This is an  
41 important item and I think we need Mr. Farber...

42  
43 Councilmember Silverman,  
44 No, I don't think so.



May 16, 2006

1 Council President Leventhal,  
2 Well, Mr. Sherer will make sure we communicate this. Mr. Silverman.

3  
4 Councilmember Silverman,  
5 It has come to our attention that the Adventist Building in Long Branch is in the middle  
6 of an appeal. And so I've had conversations with folks in connection with Adventist  
7 Healthcare and have advised them it would be my recommendation and intent to move  
8 to eliminate from the County Executive's budget the three-year \$2.1 million grant that he  
9 put in the budget, which is in our Capital Budget, with the understanding that the  
10 Council would look at this, and hopefully look favorably at a supplemental at the  
11 appropriate time. because at this point we have \$700,000 in '07, '08, and '09 in Current  
12 Revenue. In my conversation with Mr. Robertson, he understands that and has no  
13 problem with it. But this would free up additional capacity in FY '07, '08, and '09,  
14 because it's likely that this appeal process will play itself out for some time. So I would  
15 move to reconsider at this time.

16  
17 Council President Leventhal,  
18 Mr. Perez?

19  
20 Councilmember Perez,  
21 I'd like to take it up tomorrow. I didn't know this was coming up and I'd like to conduct a  
22 little due diligence, meaning no disrespect to my friend and colleague, Mr. Silverman,  
23 happy to take it up tomorrow.

24  
25 Councilmember Silverman,  
26 And I appreciate that and that's fine, we can take it up tomorrow. I would say that if the  
27 Council is not -- and what we did in the PHED Committee was not take a position until  
28 the Planning Board had made its decision. Now that this matter is on appeal, it would  
29 seem that if we're trying to in effect not have the Council stake out a position that this  
30 would be the appropriate course of...

31  
32 Councilmember Perez,  
33 I mean, one of the concerns I have is if the Council then effectively defunds it, is that  
34 going to be exhibit "A" in the appeal? You see the Council's backed off of this. They  
35 don't want this.

36  
37 Councilmember Silverman,  
38 It's not appropriate for appeal for the Board of Appeals, which is where the pending  
39 matter is. Nor would that be appropriate to bring up in a court which is where the next  
40 round of appeals will be of the Planning Board. These are playing themselves out.

41  
42 Councilmember Perez,  
43 We've seen that there's the rules of evidence and then there's the rules of engagement,  
44 and they're not always similar. So those are the questions I think I'd like wrestle with  
45 between today and tomorrow, because I know those are important questions.

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1  
2 Council President Leventhal,  
3 Let me just say, if the intent of Mr. Silverman's motion is to free up an additional  
4 \$700,000 in spending in FY '07, I don't think we'll need to accommodate a lot of items  
5 on the Reconciliation List.

6  
7 Councilmember Silverman,  
8 I appreciate that that's your position, Mr. President. That may not be the position of the  
9 full Council. The intent of mine is not to have the Council appropriating money for a  
10 project that's in appeal, number one; and number two; not appropriating money to the  
11 Economic Development Fund that's not necessary. Wherever that money goes in the  
12 next three years that we have a long track record. We just went through this with Blair  
13 Auditorium, of saying they couldn't spend the money in FY '07, so we're not going to  
14 appropriate the money in FY '07. This leaves open the possibility, likelihood, I supported  
15 this. The whole Council supported this and I would think the whole Council would  
16 support it through a supplemental at the appropriate time. But I think it's inappropriate  
17 for us to be funding something that's in pending litigation.

18  
19 Council President Leventhal,  
20 The issue has been raised and what we will do is we'll have it on tomorrow's Agenda,  
21 and let's ask the County Attorney to be present to give us advice on that matter. And  
22 with that, the Council stands in recess.